

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:12-CR-254-JCM-(PAL)
)
ALBERT SILVA HERNANDEZ, JR.,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on April 24, 2013, defendant ALBERT SILVA HERNANDEZ, JR., was found guilty by a Jury on Counts One through Eight of an Eleven-Count Criminal Indictment charging him with Sexual Exploitation of a Child, in violation of Title 18, United States Code, Section 2251(a). Criminal Indictment, ECF No. 1; Jury Verdict, ECF No. 46.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1), and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant ALBERT SILVA HERNANDEZ, JR., was found guilty. Criminal Indictment, ECF No. 1.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1) and 2253(a)(3):

1. nine sets of photographs printed out and introduced as Exhibit Nos. 5(A) to 5(C);

2. a CD containing all pictures downloaded from Text Plus accounts (Exhibit No. 4); and
3. all visual depictions described in Title 18, United States Code, Sections 2253(a)(1) and 2253(a)(3), all visual depictions described in Title 18, United States Code, Sections 2251, 2252, and 2252A and all items containing such visual depictions, which were transported, shipped and received in violation of Title 18, United States Code, Section 2252A and all property, real and personal, used and intended to be used to commit and promote the commission of the aforestated offense, including but not limited to, the following properties: computer images, including movie files, depicting a minor engaging in sexually explicit conduct and the diskettes and hard drives on which they are maintained (“property”).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of ALBERT SILVA HERNANDEZ, JR., in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
2 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
4 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
5 following address at the time of filing:

6 MICHAEL A. HUMPHREYS
7 Assistant United States Attorney
8 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
10 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
11 following publication of notice of seizure and intent to administratively forfeit the above-described
12 property.

13 DATED May 8, 2013.

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17 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Ray Southwick, Forfeiture Support Associates Paralegal, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on May 1, 2013, by the below identified method of service:

CM/ECF:

Michael L. Becker
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/s/ Ray Southwick
Ray Southwick
Forfeiture Support Associates Paralegal